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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,765	02/05/2004	Seppo Pohja	915-007,074	5593
4955 7590 07/09/2008 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468				
EXAMINER				
POLLACK, MELVIN H				
ART UNIT		PAPER NUMBER		
2145				
NOTIFICATION DATE		DELIVERY MODE		
07/09/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mail@wfva.net

Office Action Summary

Application No.

10/773,765

Applicant(s)

POHJA ET AL.

Examiner

MELVIN H. POLLACK

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/21/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) 32-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 2/5/04, 8/5/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Individual Patent Application
- 6) ☒ Other: see attached office action

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of invention I in the reply filed on 21 February 2008 is acknowledged.
2. Claims 32-61 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 21 February 2008.
3. The requirement is still deemed proper and is therefore made FINAL. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.
4. The examiner has accepted the division in inventions proposed by the applicant on 21 February 2008, wherein the division itself was made without traverse. Thus, group I (claims 1-31) have been elected, and group II (claims 32-61) have not. The further reasoning for the division, the difference of causing of a context dependent interaction, is also not at issue.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
5. Claim 13 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a communication channel, does not reasonably provide enablement for preventing the existence of parallel communications channels. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to define, let alone create, the invention commensurate in scope with these claims. In fact, there is no mention in the specification of what this could possibly mean, let alone entail.

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6. Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Even if sufficient enablement is found, the lack of description as to the goal and basic functionality of this limitation leaves the claim unsupported.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-3, 5-12, 14-18, 20-22, 24-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Libes (2003/0162556).

9. For claim 1, Libes teaches a method (abstract) of creating an ad-hoc connection between at least two electronic devices for enabling an interaction between said at least two electronic devices (Paras. 1-30, 49), said method comprising at a first one of said electronic devices (Para. 31):

- a. detecting a hugging state (handshaking connection) between said first electronic device and a second one of said electronic devices (Para. 32), a hugging state being assumed to be given if said first electronic device and said second electronic device are at least in close vicinity to each other (Para. 33) and a piece of information is received by said first electronic device directly from said second electronic device (Para. 39);
- b. in case a hugging state is detected, obtaining a handle proceeding from said received piece of information (Paras. 32 and 39, handshaking data), said handle comprising at least an

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address of at least one other of said at least two electronic devices than said first electronic device (Paras. 32 and 43, wireless network address); and

c. establishing a communication channel between said first electronic device and said at least one other of said electronic devices using said address included in said handle (Paras. 41-45).

10. For claim 2, Libes teaches that detecting said hugging state requires at least one of detecting a physical touch between said first electronic device and said second electronic device, detecting a short distance between said first electronic device and said second electronic device and detecting a pointing of one of said first electronic device and said second electronic device to the respective other one of said first electronic device and said second electronic device (Paras. 33-39).

11. For claim 3, Libes teaches that detecting said hugging state requires receiving a content of a radio frequency identification tag of said at least one other of said electronic devices as said piece of information from said second electronic device (Para. 38).

12. For claim 5, Libes teaches that said received piece of information comprises an address of said at least one other of said electronic devices (Paras. 32, 43) and wherein said first device obtains said handle by using said address at least as part of said handle (Paras. 39-41).

13. For claim 6, Libes teaches that said first device obtains said handle by exchanging further pieces of information with said second device (Para. 32, security key, manufacturer's information; Para. 44, error correction codes).

14. For claim 7, Libes teaches that said handle comprises further information for at least one of establishing said communication channel and using an established communication channel (Para. 43).

15. For claim 8, Libes teaches that said communication channel is set up according to one of predefined user preferences and a user input (Paras. 36, 43-45).

16. For claim 9, Libes teaches monitoring conditions on said established communication channel and updating said communication channel in case said conditions are detected to be worse than predetermined conditions (Paras. 41, 45).

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17. For claim 10, Libes teaches that said communication channel uses one of a direct link between said first electronic device and said at least one other of said electronic devices and an indirect link between said first electronic device and said at least one other of said electronic devices (Para. 32).

18. For claim 11, Libes teaches that said communication channel uses a link between said first electronic device and said at least one other of said electronic devices enabling an interaction via said communication channel over any distance, at least as soon as said first electronic device and said at least one other of said electronic devices reach a distance to each other which does not permit a use of another type of link for an interaction via said communication channel (Para. 43).

19. For claim 12, Libes teaches performing a security operation for determining at least one of whether said communication channel is allowed to be established between said first electronic device and said at least one other of said electronic devices and whether said communication channel is allowed to be used for a specific data transmission (Para. 32).

20. For claim 14, Libes teaches notifying at least one application in at least one of said first electronic device and said at least one other of said electronic devices about said communication channel (Para. 43).

21. For claim 15, Libes teaches wherein a notified application starts an automatic interaction via said communication channel with another application (Para. 45).

22. For claim 16, Libes teaches that said at least one application is an application currently used by a user of said first electronic device or of said at least one other of said electronic devices (Para. 43).

23. For claim 17, Libes teaches invoking at least one application or at least one function of at least one application in at least one of said first electronic device and said at least one other of said electronic devices (Para. 43), in order to enable said at least one invoked application or at least one invoked function to interact via said communication channel with another application (Para. 45).

24. For claim 18, Libes teaches establishing said communication channel is followed by a context dependent interaction via said communication channel with said at least one other of said electronic devices (Paras. 31-32, 39-45).

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25. For claim 20, Libes teaches that said first electronic device receives from said second electronic device during a hugging state in addition to said piece of information an application specific information (Paras. 43-45).
26. For claim 21, Libes teaches that said at least one other of said electronic devices via the established communication channel an application specific information (Paras. 43-45).
27. For claim 22, Libes teaches determining a direction in which data is allowed to be transmitted via said established communication channel between applications of said first device and of said at least one other of said electronic devices (Paras. 39-41).
28. For claim 24, Libes teaches selecting a suitable data format for data which is to be transmitted via said communication channel (Para. 39).
29. For claim 25, Libes teaches terminating said established communication channel in case of at least one of a predetermined period during which said communication channel is not used for some interaction between said first electronic device and said at least one other of said electronic devices, an application using said communication channel causes said communication channel to be terminated, and a hugging state is detected for a second time (Paras. 36, 45).
30. For claim 26, Libes teaches that said at least one other of said electronic devices comprises said second electronic device (Para. 31).
31. For claim 27, Libes teaches that said at least one other of said electronic devices is different from said second electronic device (Para. 31).
32. For claim 28, Libes teaches (abstract) an electronic device (Paras. 1-31, 49) comprising:
 - a. a touch detection portion (Para. 33), which touch detection portion is adapted to detect a hugging state between said electronic device and a further electronic device (Paras. 31-32), a hugging state being assumed to be given if said electronic device and said further electronic device are at least in close vicinity to each other (Para. 33) and a piece of information is received by said electronic device directly from said further electronic device (Para. 39), and which touch detection portion is adapted to obtain a handle proceeding from a piece of information received

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from a further electronic device in case a hugging state is detected (Paras. 32, 39), said handle comprising at least an address belonging to at least one electronic device other than said electronic device (Paras. 32, 43); and

b. a link creation portion which is adapted to establish a communication channel to at least one other electronic device using an address included in a handle provided by said touch detection portion for enabling an interaction with said at least one other electronic device (Paras. 41-45).

30. For claim 29, Libes teaches that said touch detection portion and said link creation portion are integrated into an expandable framework including an additional control portion, wherein said touch detection portion and said link creation portion are connected to said additional control portion, wherein said additional control portion is adapted to be supplemented by functional blocks supporting a respective service, and wherein said additional control portion comprises at least one interface for enabling an input to functional blocks added to said additional control portion (Para. 45).

31. For claim 30, Libes teaches an expandable framework (abstract) for an electronic device (Paras. 1-30, 49), said expandable framework comprising:

a. a touch detection portion, a link creation portion and an additional control portion (Para. 31);

b. wherein said touch detection portion is adapted to detect a hugging state between said electronic device and a further electronic device (Para. 32), a hugging state being assumed to be given if said electronic device and said further electronic device are at least in close vicinity to each other (Para. 33) and a piece of information is received by said electronic device directly from said further electronic device (Para. 39), and which touch detection portion is adapted to obtain a handle proceeding from a piece of information received from a further electronic device in case a hugging state is detected (Paras. 32, 39), said handle comprising at least an address belonging to at least one electronic device other than said electronic device (Paras. 32, 43);

c. wherein said link creation portion is adapted to establish a communication channel to at least one other electronic device using an address included in a handle provided by said touch

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detection portion for enabling an interaction with said at least one other electronic device (Paras. 41-45);

d. wherein said touch detection portion and said link creation portion are connected to said additional control portion (Para. 45); and

e. wherein said additional control portion is adapted to be supplemented by functional blocks supporting a respective service, and comprises at least one interface for enabling an input to functional blocks added to said additional control portion (Para. 45).

32. For claim 31, Libes teaches a software program product in which a software code (abstract) for creating an ad-hoc connection between at least two electronic devices for enabling an interaction between said at least two electronic devices is stored (Paras. 1-30, 49), said software code realizing the following steps when running in a first one of said electrical devices:

a. detecting a hugging state between said first electronic device and a second one of said electronic devices (Para. 32), a hugging state being assumed to be given if said first electronic device and said second electronic device are at least in close vicinity to each other (Para. 33) and a piece of information is received by said first electronic device directly from said second electronic device (Para. 39);

b. in case a hugging state is detected, obtaining a handle proceeding from said received piece of information (Paras. 32, 39), said handle comprising at least an address of at least one other of said at least two electronic devices than said first electronic device (Paras. 32, 43); and

c. establishing a communication channel between said first electronic device and said at least one other of said electronic devices using said address included in said handle (Paras. 41-45).

Claim Rejections - 35 USC § 103

33. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

34. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Libes as applied to claims 1, 3 above, and further in view of Peters (6,601,093).

35. For claim 4, Libes does not expressly disclose that said first device obtains said handle by retrieving a stored address which is mapped to a received radio frequency identification. Peters teaches a method and system (abstract) of performing address resolution in an ad-hoc networking environment (col. 1, line 1 – col. 5, line 30; col. 9, lines 5-55) by sending a handle comprising an address (col. 5, line 30 - col. 6, line 45) in a radio frequency identification tag environment (col. 6, lines 45-55), wherein an identification is mapped to a stored address (col. 7, line 20 - col. 9, line 5). At the time the invention was made, one of ordinary skill in the art would have added Peters to Libes in order to improve dynamic address handling in communications (col. 1, line 40 – col. 2, line 60).

36. Claims 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Libes as applied to claim 1 above, and further in view of Haartsen (2004/0110508).

37. For claim 13, Libes does not expressly disclose preventing the existence of parallel communication channels created by said at least one other of said electronic devices and said first electronic device. Haartsen teaches a method and system (abstract) of forming ad-hoc radio networks (Paras. 1-72 and 132-137) that contains this limitation (Paras. 74-76, 82-83). At the time the invention was made, one of ordinary skill in the art would have added Haartsen to Libes in order to improve node discovery (Para. 24).

38. For claim 23, Libes does not expressly disclose measuring external influences to said first electronic device by means of at least one sensor, and adapting the behavior of an application of said first electronic device to results of said measurements. Haartsen teaches this limitation as well (Fig. 16).

39. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Libes as applied to claim 1 above, and further in view of Kreiner et al. (7,224,698).

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40. For claim 19, Libes does not expressly disclose at least one of a copy-and-paste functionality, a cut-and-paste functionality and a drag-and-drop functionality in said first device makes use of said established communication channel for interacting with said at least one other of said electronic devices. Kreiner teaches a method and system (abstract) for sharing information over an ad-hoc network (col. 1, line 1 – col. 8, line 37) that uses this functionality (col. 8, line 37 – col. 9, line 45). At the time the invention was made, one of ordinary skill in the art would have added Kreiner in order to keep information synchronized (col. 1, line 60 – col. 2, line 20).

Conclusion

41. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They regard further teachings on ad-hoc and radio communications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELVIN H. POLLACK whose telephone number is (571)272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melvin H Pollack/
Examiner, Art Unit 2145
26 June 2008

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/Jason D Cardone/
for Rupal Dharia, SPE of Art Unit 2141